

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. §§ 6172, 6192 and 6193

**RULE REPEAL AND PROMULGATION:** DMR Regulations: 95.03 CC, Closed Area No. 14-A, Falmouth-Cumberland, promulgated on July 6, 2004; and 95.03 C, Closed Area No. 14, Portland – Falmouth Area, promulgated on July 8, 2004; have been repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.03 J, Closed Area No. 13-A, Portland Area (Cape Elizabeth to Cumberland)

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the following areas:
1. Inside and shoreward of a line beginning at the wooden pilings at the end of Stornoway Lane (Cumberland), then running southwest to a point of land immediately south of Underwood Road (Falmouth). This area is classified as "Restricted" and requires a special MDMR permit.
  2. Mussel Cove (Falmouth): inside and shoreward of a line beginning at Bartlett Point, then running north to a red painted post, located on the north shore of the mouth of Mussel Cove. This area is classified as "Restricted" and requires a special MDMR permit.
  3. Portland Area: inside and shoreward of a line beginning at a red painted post, located on the north shore of Mackworth Cove (Falmouth), then running southeast to the south tip of the most southern island of The Brothers, then continuing east to the northeast tip of Cow Island; AND a line beginning at the northeast tip of Cow Island, then running south to the east tip of Peaks Island (Portland), then continuing south to the green "C 3" navigational buoy (Cape Elizabeth); AND a line beginning at the green "C 3" navigational buoy (Cape Elizabeth), then running west to the southwest tip of McKenney Point.
- B. Effective immediately, because of pollution, the shores, flats and waters of Falmouth: inside and shoreward of a line beginning at the point of land immediately south of Underwood Road, then running southeast to the north tip of Clapboard Island; AND a line beginning at the south tip of Clapboard Island, then running southwest to the south tip of the most southern island of The Brothers, then continuing northwest to a red painted post on the north shore of Mackworth Cove; have been classified as "Conditionally Approved," and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 through November 14.

EFFECTIVE DATE: November 6, 2006

EFFECTIVE TIME: 10:30 AM

AGENCY CONTACT PERSON:

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[http://www.maine.gov/dmr/rm/public\\_health/closures/closedarea.htm](http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm)

PORTLAND PRESS HERALD

November 9, 2006

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals DMR Regulations: 95.03 CC, Closed Area No. 14-A, Falmouth-Cumberland, promulgated on July 6, 2004; and 95.03 C, Closed Area No. 14, Portland – Falmouth Area, promulgated on July 8, 2004; and replaces them with a new rule. This new rule administratively combines the areas previously described in Closed Areas No. 14-A and 14 and places them in this legal notice; and, due to water quality, reclassifies the area near Stornoway Lane as Restricted.

  
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DAVID ETNIER  
DEPUTY COMMISSIONER



# Maine Department of Marine Resources

## Pollution Closed Area No. 13-A

11/6/06



Portland Area (Cape Elizabeth to Cumberland)

